

Appn. No. 10/677,559
Docket No. 133070/GE5-0029

REMARKS / ARGUMENTS

Status of Claims

Claims 1-33 are pending in the application. Claims 1-6 stand rejected. Claims 7-33 are allowed. Applicant appreciates the Examiner's comments regarding the allowability of the noted claims. Applicant has amended Claim 1, leaving Claims 1-33 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §102(b), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §102(b)

Claims 1-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Wills (U.S. Patent No. 6,219,623, hereinafter Wills).

Applicant traverses this rejection for the following reasons.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*" *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the *** claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Applicant has amended Claim 1 to now recite, inter alia,

Appl. No. 10/677,539
Docket No. 133070/OE5-0029

"...wherein the controller is configured to analyze the sensor voltage and current signals in a *vector format* such that *the resulting control signal is capable of driving both a voltage magnitude and a frequency magnitude* of the distributed generation out of a nominal range."

No new matter has been added as antecedent support may be found in the application as originally filed, such as at Paragraph [0026] for example.

Dependent claims inherit all of the limitations of the parent claim.

In alleging anticipation of Claim 1, the Examiner references Wills at column 6 lines 29-36, column 6 lines 38-46, and the Abstract.

In view of amended Claim 1, Applicant respectfully submits that Wills does not disclose each and every element of the claimed invention arranged as claimed.

More specifically and in comparing Wills with the instant invention, Applicant finds the Wills Abstract to disclose "An observed change in grid voltage causes a change in..." and "An observed change in grid frequency causes a change in...". Applicant also finds Wills at column 6 lines 29-46 to disclose a control system 70, without specifically disclosing how the controller operates. Applicant further finds Wills at column 7 line 61 through column 10 line 23 to disclose a "group movement" approach for identifying "trends" for accelerating a response function for protecting against islanding. Applicant yet further finds Wills at column 11 lines 5-18 to disclose a zero crossing detector 160 for setting up a reference time for a trip function.

As such, Applicant finds Wills to be absent any disclosure of a controller being configured to analyze sensor voltage and current signals in a *vector format* such that *the resulting control signal is capable of driving both a voltage magnitude and a frequency magnitude* of the distributed generation out of a nominal range, as specifically claimed for in the instant invention.

The instant invention performs a vector analysis so that both a voltage magnitude and a frequency magnitude of the distributed generation may be driven out of a nominal range together. Such an analysis is not found to be disclosed in Wills.

Accordingly, Applicant submits that Wills does not disclose all of the claimed

Appl. No. 10/677,559
Docket No. 133070/GES-0029

elements arranged as in the claim, and absent anticipatory disclosure in Wills of each and every element of the claimed invention arranged as in the claim, Wills cannot be anticipatory.

Regarding Claims 4-6 Specifically

Notwithstanding the aforementioned remarks, Applicant submits that Claims 4-6 recite a transformation from stationary coordinates to rotating coordinates, and the use of such rotating coordinates to generate a control signal for protection against islanding.

In comparing Wills with the instant invention, Applicant respectfully submits that the Examiner has not stated with specificity where each and every element of the claimed invention arranged as claimed may be found in Wills, and therefore has not met the burden of establishing a prima facie case of anticipation.

Absent anticipatory disclosure in Wills of each and every element of the claimed invention arranged as in the claim, Wills cannot be anticipatory.

In view of the amendment and foregoing remarks, Applicant submits that Wills does not disclose each and every element of the claimed invention arranged as claimed and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. §102(b) has been traversed, and requests that the Examiner reconsider and withdraw of this rejection.

Appl. No. 10/677,559
Docket No. 133070/GE5-0029

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

CANTOR COLBURN LLP

Applicant's Attorneys

By: 

David Arnold
Registration No: 48,894
Customer No. 23413

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115